

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

WOLF RUN HOLLOW, LLC,

Plaintiff,

v.

COMPASS BANCSHARES, INC., et al.

Defendants.

CIVIL ACTION NO. 2:09-CV-339-TJW

JURY TRIAL DEMANDED

MOTION FOR DISMISSAL WITH PREJUDICE

Plaintiff, Wolf Run Hollow, LLC, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i) and (a)(2), hereby moves for an order dismissing all claims in this action against Defendant Viewpoint Bank WITH PREJUDICE, subject to the terms of that certain agreement entitled "NON-EXCLUSIVE LICENSE AGREEMENT" and dated December 1, 2009, with each party to bear its own costs, expenses and attorneys fees.

Dated: December 1, 2009

Respectfully Submitted,

WOLF RUN HOLLOW, LLC

By: /s/ William E. Davis, III
William E. Davis, III
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**ATTORNEY FOR PLAINTIFF
WOLF RUN HOLLOW, LLC**

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing via email on this 1st day of December, 2009.

/s/ William E. Davis, III
William E. Davis, III